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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,014	08/15/2006	Alison Ann Watson	2245.054	4048

23405 7590 11/21/2007
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY, NY 12203

EXAMINER

LOEWE, SUN JAE Y

RESTRICTION REQUIREMENT

ART UNIT

PAPER NUMBER

1626

URGENT

MAIL DATE

DELIVERY MODE

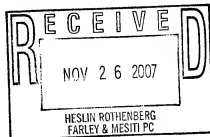
11/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED 12/21/07



Office Action Summary

Application No.

10/543,014

Applicant(s)

WATSON ET AL.

Examiner

Sun Jae Y. Loewe

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 45-63 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is a national stage application of PCT/GB04/00198. Claims 45-63 are pending in the instant application. Claims 1-44 were cancelled by preliminary amendment filed on July 22, 2005.

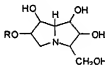
Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

I. Group I, claim(s) 45-62 drawn to process of using compounds of formula



. Further election of a single species is required.

II. Group II, claim(s) 63 drawn to compounds of Formula



. Further election of a single species is required.

3. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons.

The technical feature linking the subject matter of Groups I and II is a core structure that is taught in the prior art, eg. see Nash et al. (RN 159440-57-0).

4. This application contains Markush claims directed to more than one species. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: compounds encompassed by Formula I obtained by varying the substituent R to the core structure.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no Markush claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a Markush claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed Markush claim (MPEP 803.02). If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The claims are deemed to correspond to the species listed above in the following manner: claims 45-63 encompass species described in section 4.

6. The species described within section 4 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the reason provided in section 3.

Notice of References Cited

Application/Control No.

10/543,014

Applicant(s)/Patent Under
Reexamination
WATSON ET AL.

Examiner

Sun Jae Y. Loewe

Art Unit

1626

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)			
	U	Nash et al., caplus an 1995:141541			
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

L8 ANSWER 28 OF 28 CAPLUS COPYRIGHT 2007 ACS on STN
 AN 1995:141541 CAPLUS
 DN 122:5498
 TI Casuarine: a very highly oxygenated pyrrolizidine alkaloid.
 AU Nash, Robert J.; Thomas, Paul I.; Waigh, Roger D.; Fleet, George W.;
 Wormald, Mark R.; Lilley, Paul M. de Q.; Watkin, David J.
 CS Environmental Biol. Dep., Inst. Grassland Environmental Res., Plas
 Gogerddan, Aberystwyth/Dyfed, SY23 3EB, UK
 SO Tetrahedron Letters (1994), 35(42), 7849-52
 CODEN: TELEAY; ISSN: 0040-4039
 PB Elsevier
 DT Journal
 LA English
 AB The isolation from Casuarina equisetifolia bark of casuarine
 [(1R,2R,3R,6S,7S,7aR)-3-(hydroxymethyl)-2,6,7-tetrahydroxypyrrolizidine]
 is reported.
 IT 159440-57-0P, Casuarine
 RL: BOC (Biological occurrence); BSU (Biological study, unclassified); PUR
 (Purification or recovery); BIOL (Biological study); OCCU (Occurrence);
 PREP (Preparation)
 (casuarine from Casuarina equisetifolia bark)
 RN 159440-57-0 CAPLUS
 CN 1H-Pyrrolizine-1,2,6,7-tetrol, hexahydro-3-(hydroxymethyl)-,
 (1R,2R,3R,6S,7S,7aR)- (CA INDEX NAME)

Absolute stereochemistry. Rotation (+).

